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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-01184 JF
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	STATUS HEARING; [PROPOSED]
v.)	ORDER
)	
EDGAR CRUZ-HIDALGO,)	
)	
Defendant.)	
_____)	

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Tuesday, February 16, 2010 at 9:00 a.m., be continued to Thursday, March 11, 2010, at 9:00 a.m.

The continuance is requested to allow additional time for defense investigation, as the defense has not yet received requested records regarding the defendant's priors. Additionally, counsel for both parties are involved in preparations for trial in another case set for February 23, 2010.

The parties further agree that time should be excluded under the Speedy Trial Act because the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore

1 stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and
2 (B)(iv).

3 Dated: 2/12/10

/s/
LARA S. VINNARD
Assistant Federal Public Defender

6 Dated: 2/12/10

/s/
STEVEN SEITZ
Assistant United States Attorney


8 **[PROPOSED] ORDER**

9 The parties have jointly requested a continuance of the hearing set for Tuesday, February
10 16, 2010, allow time for the defense to complete investigation, and for continuity of counsel.

11 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
12 presently set for Tuesday, February 16, 2010 at 9:00 a.m., be continued to Thursday, March 11,
13 2010, at 9:00 a.m.

14 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
15 under the Speedy Trial Act from February 16, 2010 to March 11, 2010. The Court finds, based
16 on the aforementioned reasons, that the ends of justice served by granting the requested
17 continuance outweigh the interest of the public and the defendant in a speedy trial. The failure
18 to grant the requested continuance would deny defense counsel reasonable time necessary for
19 effective preparation, taking into account the exercise of due diligence, and would result in a
20 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
21 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

23 Dated: 3/4/10


JEREMY FOGEL
United States District Judge